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02/19/88

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY)
DUWAMISH SHIPYARD, INC.)
with Chapter 90.48 RCW and the)
Rules and Regulations of the)
Department of Ecology)

NOTICE OF VIOLATION
No. DE 87-N310

To: Duwamish Shipyard, Inc.
5658 W. Marginal Way
Seattle, Washington 98106

Chapter 173-201 WAC, entitled "Water Quality Standards" establishes water quality standards for all waters of this state including Duwamish River, which is designated as Class "B" waters. Also, the aforementioned regulation establishes that all activities which discharge wastes into waters of the state or otherwise affect the quality of said waters shall provide all known available and reasonable methods of treatment and control to maintain established water quality standards.

RCW 90.48.080 provides that it shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the Director.

RCW 90.48.120 reads in part: "Whenever, in the opinion of the department, any person shall violate or creates a substantial potential to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail...." Notice is hereby given in accordance with RCW 90.48.120, as follows:

On October 21, 1987, a site visit by the Department of Ecology found that Duwamish Shipyard, Inc., in Seattle, failed to contain spent grit and paint detritus from entering the Duwamish River during sandblasting activities on the marineway. The discharge of pollutants to waters of the state is a violation of RCW 90.48.080.

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The determination or proposed action does not constitute an order or directive under RCW 90.48.135. Within thirty (30) days from the receipt of this Notice of Violation, Duwamish Shipyard, Inc. shall file with the department a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the department. Upon receipt of this report the department shall issue such an order or directive as it deems appropriate under the circumstances, and shall notify Duwamish Shipyard, Inc. thereof by certified mail.

DATED at Redmond, Washington

January 19, 1988

Nancy Ellison

Nancy Ellison, Regional Manager
Northwest Regional Office
Department of Ecology
State of Washington